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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,076	05/19/2000	David B. Kinder	INTL-0367-US(P8586)	1607
21906	7590	05/24/2006	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/575,076	KINDER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ngoc K. Vu	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11 and 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed 1/31/06 have been fully considered but they are not persuasive.

With respect to claim 1, applicant merely argues that neither Hidary nor Parasnis disclose or suggest all of the limitations of claims 1, 11, or 21. This argument is not persuasive based on the following reasons.

Claims 1, 11 and 21 contain subject matter which was not described in the specification. Specifically, the original specification does not support limitation transmitting said video information in the form of television programming to said web site hosting facility as recited in claim 1 and similarly recited in claims 11 and 21. As addressed in the previous office action, the specification only describes that web hosting facility 26 receives the television programming information as a warning that ancillary data, i.e. URL, has been broadcast to receivers. In another embodiment, the web hosting facility 26 receives the warning earlier from scheduler 16. (See Specification: page 4, lines 21+; page 5, lines 17+). It is noted that the television programming information is provided as a warning to notice the web hosting facility 26 that a large number of attempted accesses to a URL, hosted by the web hosting facility 26, may be imminent. That is, this programming information or warning is just a notice. Thus, this programming information differs from television programming (for example, television video content). In other words, this programming information does not contain video content. The applicant asserts that "programming information" is television programming by indicating the specification at page 3, lines 15 to page 5, line 2. However, nowhere in this disclosure explicitly describes that the web hosting facility 26 receives television programming or video content.

The Hidary reference discloses sending scheduling information via user interface to server 90 for pre-scheduling URL for transmission to users 118 at particular times of day before

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broadcast video information (see col. 5, line 50 to col. 6, line 14; col. 6, lines 32-41); and transmitting the video information in the form of television programming (television show, video program) to a plurality of receivers (16, 114) and web site hosting facility (in one embodiment, the server also receives video program signal via a decoder) (see col. 5, lines 34-42; col. 6, lines 3-12; col. 8, lines 18-57; and figure 4).

Hidary does not teach sending the scheduling information to server before distributing video program and URL to user to enable the server to prepare for an increase access load. Parasnis teaches sending scheduling information to Netshow server to handle expected load when the broadcaster desires to broadcast presentation. Particularly, Parasnis teaches that the broadcaster selects which server, e.g., Netshow or non-Netshow server, for using. The selecting feature also includes sending scheduling information to the selected server to schedule the presentation broadcast. It is noted that non-Netshow server handles maximum 15 users to access the server for watching the presentation, while Netshow server handles more than 15 users. The system provides a web page that contains a URL at which the presentation broadcast will be viewed. (see col. 14, lines 43-47; col. 14, line 65 to col. 15, line 1; Figure 5 and col. 15, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hidary by providing scheduling information to server, i.e., netshow server, before broadcast video program and URL as taught by Parasnis in order to enable the server to efficiently handling the expected load.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 21, it appears that there are two different uniform resource locators recited in lines 7 and 10. It is unclear whether the term "a uniform resource locator" from the limitation "said video containing a uniform resource locator" in line 10 and "a uniform resource locator" from the limitation "video containing a uniform resource locator" in line 7 is the same since the video is previously defined as containing uniform resource locator. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-11 and 14-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 11 and 21, in part, call for transmitting video information to the web site hosting facility. However, this feature was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the original specification does not support limitation transmitting said video information in the form of television programming to said web site hosting facility as recited in claim 1 and similarly recited

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in claims 11 and 21. As addressed in the previous office action, the specification only describes that web hosting facility 26 receives the television programming information as a warning that ancillary data, i.e. URL, has been broadcast to receivers. In another embodiment, the web hosting facility 26 receives the warning earlier from scheduler 16. (See Specification: page 4, lines 21+; page 5, lines 17+). It is noted that the television programming information is provided as a warning to notice the web hosting facility 26 that a large number of attempted accesses to a URL, hosted by the web hosting facility 26, may be imminent. That is, this programming information or warning is just a notice. Thus, this programming information differs from television programming (for example, television video content). In other words, this programming information does not contain video content. The applicant further asserts that "programming information" is television programming and ancillary data. However, the specification only describes transmitting programming information and ancillary data to the web hosting facility 26 from transport 18. Nowhere in the specification explicitly describes that the web hosting facility 26 receives programming information as video content.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-11, 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary (US 5,774,664 A) in view of Parasnis et al. (U.S. 6,728,753 B1).

Regarding claim 1, Hidary discloses a method comprising sending scheduling information via user interface to server 90 for pre-scheduling URL for transmission to users 118 at particular times of day before broadcast video information (see col. 5, line 50 to col. 6, line 14;

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col. 6, lines 32-41); and transmitting the video information in the form of television programming (television show, video program) to a plurality of receivers (16, 114) and the server (in one embodiment, the server also receives video program signal via a decoder) (see col. 5, lines 34-42; col. 6, lines 3-12; col. 8, lines 18-57; and figure 4).

Hidary does not teach sending the scheduling information to server before distributing video program and URL to user to enable the server to prepare for an increase access load. However, Parasnis teaches sending scheduling information to Netshow server to handle expected load when the broadcaster desires to broadcast presentation. Particularly, the broadcaster selects which server, e.g., Netshow or non-Netshow server, for using. The selecting feature also includes sending scheduling information to the selected server to schedule the presentation broadcast. It is noted that non-Netshow server handles maximum 15 users to access the server for watching the presentation, while Netshow server handles more than 15 users. The system provides a web page that contains a URL at which the presentation broadcast will be viewed. (see col. 14, lines 43-47; col. 14, line 65 to col. 15, line 1; Figure 5 and col. 15, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hidary by providing scheduling information to server, i.e., netshow server, before broadcast video program and URL as taught by Parasnis in order to enable the server to efficiently handling the expected load.

Regarding claim 3, Hidary discloses sending scheduling information, e.g., link file, with video. It is noted that the records in the link file specify the time, URL, label, and some additional information, for each web page the broadcaster desires to launch during a show (see abstract; col. 6, lines 14-25).

Regarding claim 4, Hidary discloses transmitting the video with embedded URLs over a transport, e.g., satellite, cable, television broadcast, or Internet; and transmitting scheduling information over Internet (see col. 5, lines 1-5; col. 5, line 55 to col. 6, line 12).

Regarding claim 5, Hidary discloses pre-scheduling URLs for transmitting to the user at a different time than the video transmitting (see col. 5, lines 58-65; col. 6, lines 26-31).

Regarding claims 6 and 7, Hidary discloses transmitting scheduling information over Internet transport and transmitting video over broadcast transport (see col. 5, lines 1-6 and 58-62).

Regarding claim 8, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

Regarding claim 9, Hidary discloses automatically transmitting the scheduling information to web site hosting facility (90) after pre-scheduling URLs by broadcaster (see col. 5, lines 55-62).

Regarding claim 10, Hidary discloses transmitting scheduling information to the web site hosting facility (90) via database (78), or directly from Internet web site (62) (see figure 4; col. 5, lines 50-65; col. 6, lines 26-41).

Regarding claim 11, Hidary discloses an article comprising a medium storing instructions (software) that cause a processor-based system (e.g., computer) to send scheduling information via user interface to server 90 for pre-scheduling URL for transmission to users 118 at particular times of day before broadcast video information - see col. 5, line 50 to col. 6, line 14; col. 6, lines 32-41); and transmitting the video information in the form of television programming (television show or video program) to a plurality of receivers (16, 114) and the server (in one



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embodiment, the server also receives video program signal via a decoder) (see col. 5, lines 34-42; see col. 6, lines 3-12; col. 8, lines 18-57; and figure 4).

Hidary does not teach sending the scheduling information to server before distributing video program and URL to user to enable the server to prepare for an increase access load. However, Parasnis teaches sending scheduling information to Netshow server to handle expected load when the broadcaster desires to broadcast presentation. Particularly, the broadcaster selects which server, e.g., Netshow or non-Netshow server, for using. The selecting feature also includes sending scheduling information to the selected server to schedule the presentation broadcast. It is noted that non-Netshow server handles maximum 15 users to access the server for watching the presentation, while Netshow server handles more than 15 users. The system provides a web page that contains a URL at which the presentation broadcast will be viewed. (See col. 14, lines 43-47; col. 14, line 65 to col. 15, line 1; Figure 5 and col. 15, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hidary by providing scheduling information to server, i.e., netshow server, before broadcast video program and URL as taught by Parasnis in order to enable the server to efficiently handling the expected load.

Regarding claim 14, Hidary discloses transmitting the video with embedded URLs over a transport, e.g., satellite, cable, television broadcast, or Internet; and transmitting scheduling information over Internet (see col. 5, lines 1-5; col. 5, line 55 to col. 6, line 12).

Regarding claim 15, Hidary discloses pre-scheduling URLs for transmitting to the user at a different time than the video transmitting (see col. 5, lines 58-65; col. 6, lines 26-31).

Regarding claims 16 and 17, Hidary discloses transmitting scheduling information over Internet transport and transmitting video over broadcast transport (see col. 5, lines 1-6 and 58-62).

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Regarding claim **18**, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

Regarding claim **19**, Hidary discloses automatically transmitting the scheduling information to web site hosting facility (90) after pre-scheduling URLs by broadcaster (see col. 5, lines 55-62).

Regarding claim **20**, Hidary discloses transmitting scheduling information to the web site hosting facility (90) via database (78), or directly from Internet web site (62) (see figure 4; col. 5, lines 50-65; col. 6, lines 26-41).

Regarding claim **21**, Hidary discloses a system (see figure 4) comprising: a video distribution device 66, 110; a transport 86 coupled to the video distribution device that distributes video to a plurality of receivers 114 and/or 16; and storage 70 coupled to the device 110, the storage storing instructions (software) that enable the device to send scheduling information via user interface to server 90 for pre-scheduling URL for transmission to users at particular times of day before broadcast video information - see col. 5, line 50 to col. 6, line 14; col. 6, lines 32-41); and instructions to transport the video information containing a URL to the server (in one embodiment, the server also receives video program signal containing a URL via a decoder) and the receivers 16 and/or 114 (see col. 5, lines 34-42; (see col. 6, lines 3-12; col. 8, lines 18-57; and figure 4).

Hidary does not teach sending the scheduling information to server in advance of distributing video program and URL to users to enable the server to prepare for an increase access load. However, Parasnis teaches sending scheduling information to Netshow server to handle expected load when the broadcaster desires to broadcast presentation. Particularly, the broadcaster selects which server, e.g., Netshow or non-Netshow server, for using. The selecting feature also includes sending scheduling information to the selected server to schedule the

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presentation broadcast. It is noted that non-Netshow server handles maximum 15 users to access the server for watching the presentation, while Netshow server handles more than 15 users. The system provides a web page that contains a URL at which the presentation broadcast will be viewed. (See col. 14, lines 43-47; col. 14, line 65 to col. 15, line 1; Figure 5 and col. 15, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hidary by providing scheduling information to server, i.e., netshow server, before broadcast video program and URL as taught by Parasnis in order to enable the server to efficiently handling the expected load.

Regarding **claim 22**, Hidary teaches that the distribution device (66, 110) coupled to the web hosting facility (90) through the Internet (20, 62) and instructions (software) stores in the storage (70) cause the device to automatically notify the web site hosting facility (90) over the Internet before distributing a URL and video to the users (see Hidary: see figure 4; col. 5, lines 50-65; col. 6, lines 26-41). Furthermore, Prasanis teaches notifying the third-party provider over the Internet prior a web page including video and a URL is distributed to the viewers (Parasanis: col. 16, lines 6-28; col. 16-17, lines 63-2; col. 17, lines 10-17; col. 17-18, lines 49-3; col. 27-30; col. 20, lines 23-49, figure 8).

Regarding **claim 23**, Hidary discloses two transports (e.g., Internet 20 and broadcast 86) coupled between the video distribution device (66, 110) and the web site hosting facility (90) (see figure 4).

Regarding **claim 24**, Hidary teaches that the instructions (software) stores in the storage (70) cause the video distribution device (66, 110) to automatically notify the web hosting facility (90) via database (78), or directly from Internet web site (62) when a URL will be transmitted with the video distributed to the receivers (118) (see figure 4; col. 5, lines 50-65; col. 6, lines 26-41).

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Regarding claim **25**, Hidary discloses video distribution device broadcasts video for distribution to the plurality of receives (see col. 5, lines 1-5).

Regarding claim **26**, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ngoc K. Vu  
Primary Examiner  
Art Unit 2623

May 22, 2006